

**STATEMENT OF**  
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**U.S.D.A FOREST SERVICE**

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**Before the**

**Committee on Transportation, Subcommittee on Aviation**  
**Committee on Resources, Subcommittee on Forests and Forest Health**  
**and**  
**Committee on Resources, Subcommittee on National Parks and Public Lands**

**Hearing on H.R. 3661: A Bill To Help Ensure General Aviation Aircraft Access to**  
**Federal Land and to the Airspace Over That Land**

**MADAM CHAIRMAN, CHAIRMEN AND MEMBERS OF THE SUBCOMMITTEES:**

Thank you for the opportunity to speak with you today on H.R. 3661. I am David Alexander, Forest Supervisor on the Payette National Forest, and one of the supervisors responsible for the Frank Church River of No Return Wilderness in Idaho. Although the Forest Service recognizes the need to provide back country access, including airstrips, we strongly oppose H.R. 3661 as unnecessary and, potentially, damaging to local land and resource decision making by Forest Service managers. We believe these types of decisions should be based on local conditions and made by natural resource managers.

**Aviation and the Forest Service**

The Forest Service is involved at every level of aviation activity from meeting at ranger districts with local flying clubs and discussing back country airstrips to assisting the Department of Defense in designing low level, high speed jet fighter training routes. Through special use permits, we authorize national production companies to film movies and commercials. Often this

filming is done by aircraft. We also provide for civilian seaplane use on national forest lakes throughout the U.S.

Many of the back country airfields on national forests were originally constructed to serve as emergency landing points for early aviators. As aircraft became more reliable, these strips became "working" airports for people involved in logging, guided hunts, and scientific expeditions. Forest development and new road construction were also supported by air deliveries of bridge parts, machinery, and vehicles. In the 1950s, the Forest Service began to use aircraft to fight fires and more airfields were added. Today, the primary users of the backcountry airstrips are recreational pilots, state and local government search and rescue organizations, and land managers. Aviation ground based facilities, built under special use permits, are located throughout the national forest system. They include the Federal Aviation Administration's communication antenna, radar sites, and variable omni range (VOR) stations, key components in the national airspace system.

### **Airstrips and the Wilderness Act**

The Forest Service has hundreds of backcountry airstrips in national forests; some of these are located in congressionally designated wilderness areas. The Forest Service is guided by the Wilderness Act in the management of all forms of mechanized and motorized equipment. Specifically the Wilderness Act states in part in Section 4 (c):

"... except as necessary to meet minimum requirements for the administration of the area... there shall be... no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport and no structure or installation within any such area."

In section 4(d)(1), Congress further addressed the issue of aircraft use in wilderness areas, providing, in relevant part, as follows:

"Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable..."

The Secretary of Agriculture has used this discretionary authority sparingly. Absent Congressional direction to the contrary, in general, backcountry airstrips in wilderness have been closed unless the agency has determined the continued use is necessary to meet minimum requirements for administration of the wilderness or it is necessary for health and safety reasons. The closure of several airstrips in the Bob Marshall Wilderness in Montana, following its designation in 1964, exemplifies Forest Service policy to minimize motorized activities in wilderness consistent with Section 4 (c) of the Act.

However, when Congress directs the Forest Service to allow the continued use of an airstrip following wilderness designation, the agency allows that use to continue. One example of Congress providing for the continued public use of airstrips was contained in the Central Idaho Wilderness Act of 1980 (P.L. 96-312) which designated certain lands in central Idaho as the River of No Return Wilderness (renamed by Congress in 1984 as the Frank Church-River of No Return Wilderness). With regard to aircraft use, Section 7(a)(1) of P.L. 96-312 states:

“the landing of aircraft, where this use has become established prior to the date of enactment of this Act shall be permitted to continue subject to such restrictions as the Secretary deems desirable: provided, That the Secretary shall not permanently close or render unserviceable any aircraft landing strip in regular use on national forest lands on the date of enactment of this Act for reasons other than extreme danger to aircraft, and in any case not without the express written concurrence of the agency of the State of Idaho charged with evaluating the safety of backcountry airstrips.”

### **H.R. 3661**

This bill takes one basic requirement of the Central Idaho Wilderness Act of 1980 (approval required from the affected state's aviation agency), adds to it and expands it to cover the whole United States. H.R. 3661 essentially provides for five changes in the process and substance of Forest Service and Department of the Interior land management agency decision making

regarding airstrips on federal land, including congressionally designated wilderness areas. I will briefly describe these changes and discuss our concerns.

**First Change:** Section 3(a) requires that land management agencies not permanently close or declare or render unserviceable any aircraft landing strip (either by action or inaction), unless 3 steps are first completed. These steps include approval of the action by the Federal Aviation Administration (FAA) and the head of the appropriate state aviation department. Notice of the action must also be published in the Federal Register followed by a 90 day public comment period. Comments must be taken into consideration by FAA, the state aviation department, and the appropriate Secretary of Agriculture or the Interior.

We oppose this change because it could be read as taking land management decision making out of the hands of the professional land managers by giving the FAA and state aviation departments additional authority to veto land management decisions. Our current process for considering airstrip closures provides ample opportunity for public involvement, and the additional notice and comment requirements under H.R. 3661 would not substantially enhance the public's participation, but could lead to significant delays in the process.

When there is a reason to close an existing airstrip, the Forest Service uses a formal decision making process that includes public involvement and environmental analysis under the National Environmental Policy Act (NEPA) before the decision is made. We look at the environmental effects of the proposed action as well as alternative actions and a "no action" alternative. The NEPA process also requires scoping and public involvement, including coordination with other agencies and opportunities for local and other individuals and interest groups to offer their input. After the NEPA decision has been made, it is subject to administrative appeal. We believe the existing NEPA and administrative appeals processes provide interested parties, such as the FAA, the state, and the public, ample involvement in Forest Service decisions on airstrips. There is no need established by H.R. 3661. Additionally, Section 3(a) could be read as requiring notice and comment for temporary closures, including those necessary for public health and safety reasons or resulting from natural disasters.

**Second Change:** Section 3(b) mandates that the land management agencies, in consultation with the FAA, adopt a nationwide policy governing general aviation issues related to their land management. Agencies must require their regional managers to adhere to the national policy.

We oppose this change because it could also remove the ability of local and regional land managers to make decisions that respond to the unique conditions that exist on the lands they are responsible for managing. We believe our current policy of allowing local and regional decisions, with appropriate FAA review, works well and is more efficient.

Local units need the flexibility to manage the 53 forest system airstrips found on National Oceanic and Atmospheric Administration (NOAA) aeronautical charts and the, perhaps, hundreds additional uncharted airstrips on national forest system lands. Because the type of aviation use and natural resource conditions and terrain vary from area to area of the country, this local discretion is critical. On a case-by-case basis, the district ranger needs to continue to determine what type of aviation activity will be authorized, whether it will be partnered with another agency or civic group, and if the airstrip will be open to the public. For example, on Roosevelt Lake in Arizona a forest order restricts recreational seaplane activity to certain times of the day and prohibits it weekends and holidays due to the large number of boaters on the lake. Yet on other national forests there are no restrictions on seaplane activity as the number of boats on the river or lake are smaller and do not interfere with the aviation activity. Because of these regional and local differences the Forest Service does not have a national policy on the types of aviation activity that may be authorized on back country airstrips and water landing zones.

**Third Change:** Section 3(c) requires that any policy of the land management agencies affecting access to an aircraft landing strip on federal land will not take effect unless the policy is approved by the FAA; states that the FAA has sole authority to control aviation and airspace over the U.S; and seeks and considers comments from state governments and the public. We oppose this change because it would take away the Forest Service's authority to make decisions on access to airstrips. Although H.R. 3661 does not define "access", the term would appear to apply to overland access as well as access by aircraft. These are decisions currently made at a forest-wide level, in forest plans, and on a project-by-project basis by district rangers using the NEPA process. The NEPA

process seeks and considers comments from state governments and the public. This change would make such land management decisions subject to approval by the FAA.

Similarly, section 3(c) could be read as requiring FAA approval of land management decisions relating to the landing of aircraft on landing strips on federal lands. We also oppose this provision because it could significantly restrict the Forest Service's decision making authority.

**Fourth Change:** Section 3(d) requires that the land management agencies "consult" with the head of each state's aviation department and other interested parties to ensure that strips are maintained consistent with resource values of the adjacent area. Currently, decisions on maintenance of airstrips are made by land managers, based on available funds and land management priorities. Back country airstrips have been funded through recreation or fire aviation and other (FA&O) administrative facilities funding, depending on the primary purpose that the airstrip serves. The Forest Service has a total FA&O deferred maintenance backlog of \$678 million dollars. For FY 2000 the FA&O maintenance budget is about \$26 million. The backlog continues to grow. H.R. 3661 would reorder Forest Service priorities by requiring that airstrips be maintained before other facilities, even those visited daily by thousands of the general public we serve.

**Fifth Change:** Section 3(e) prohibits making closure or rendering any airstrip unserviceable a condition of the federal exchange or acquisition involving private property containing an airstrip.

Like the other provisions of H.R. 3661 this section withdraws from federal land managers the ability to make decisions on airstrips that reflect local, site specific land management priorities. Under this section, airstrips which had existed on private land for solely private use would have to be retained and maintained on public land, even if there was no public need for them. For private lands being considered for addition to the national forests, this provision would make exchanges or acquisitions less likely if the past use of an area is unknown and there is a possibility of the additional obligation and liability of maintaining an airstrip which serves no national forest purpose. Likewise, it is possible that this provision could prohibit an exchange of federal land that may have been used at some time as an airstrip, unless the exchange proponent

agrees to provide for its maintenance and use as an airstrip once the land becomes private. We do not believe that either of these possible results of H.R. 3661 would be in the public interest.

### **Other Considerations**

Backcountry landing strips do provide emergency landing areas which increase the safety of those who enjoy our national forests, parks, and BLM administered lands by air. However, H.R. 3661 does not define the terms it uses: "backcountry aircraft land strips", "aircraft landing strips" or "airstrips". Thus, the bill could be read to apply to any open area that ever was or ever could have been used as an airstrip. The broad scope of the bill goes beyond addressing any safety issue and hampers rational land management decision making.

General aviation does provide access to people who would otherwise not be physically able to enjoy our national forests. In recognition of this fact, we often do maintain airstrips in backcountry areas. For example, in the Frank Church River of No Return Wilderness, we have several airstrips that groups such as Wilderness Within Reach utilize. The Forest Service directs such groups to the specific airstrips within wilderness that have accessible cabins and campgrounds. This meets public needs without attempting to maintain all existing backcountry airstrips in the area.

### **Conclusion**

For all of the reasons set out above, the Administration strongly opposes the enactment of H.R. 3661. We believe our current policies provide adequate aircraft access with appropriate local flexibility and public input. I would be pleased to answer any questions you may have.